

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CAROLINE AMOS

PLAINTIFF

VS.

CIVIL ACTION NO. 3:24-CV-90-TSL-RPM

JAMES LAVERT ARON

DEFENDANT

ORDER

This cause is before the court on the report and recommendation of United States Magistrate Judge Robert P. Myers entered on July 2, 2024, recommending that the complaint in this action be dismissed for lack of subject matter jurisdiction. Pro se plaintiff Caroline Amos has filed an objection. By her objection she maintains that the case should not be dismissed because she has submitted a new civil cover sheet, wherein she now indicates that the court has federal question jurisdiction. The objection will be overruled. As the magistrate judge observed in the report and recommendation, it is not a plaintiff's selection on the cover sheet that controls the question of the basis for the court's jurisdiction; rather it is factual and legal bases set out in the complaint. Here, the court's review of the complaint reveals that plaintiff, a citizen of Mississippi, has alleged only a state law negligence claim against a fellow Mississippi citizen and there simply are no allegations to support federal question

jurisdiction. Having fully reviewed the report and recommendation entered in this cause on July 2, 2024, and being duly advised in the premises, the court finds that said report and recommendation should be adopted as the opinion of this court.

Based on the foregoing, it is ordered that plaintiff's objection is overruled and that the report and recommendation of United States Magistrate Judge Robert P. Myers entered on July 2, 2024, be, and the same is hereby, adopted as the finding of this court. It follows that the complaint is dismissed with prejudice as to jurisdiction and without prejudice as to the merits.¹

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 22nd day of July, 2024.

/s/ Tom S. Lee _____
UNITED STATES DISTRICT JUDGE

¹ Dismissal by this court does not preclude plaintiff from filing in the appropriate state court.